

**WILLIAMSBURG
BOARD OF ZONING APPEALS
MINUTES**

December 6, 2005

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, December 6, 2005 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

CALL TO ORDER and ATTENDANCE

Chairman Knudson called the meeting to order. Present in addition to Mrs. Knudson were Board members Kafes, Carr, Lamson and White. Staff members present were Zoning Administrator Murphy and Secretary Scott.

PUBLIC HEARINGS

Chairman Knudson stated that all five members of the Board have visited the four sites.

BZA #05-020 Request of John & Susan Tarley for a special exception in accordance with Section 21-826 of the Zoning Ordinance to reduce the Resource Protection Area buffer for a proposed deck addition on the rear of the single-family dwelling approximately 30 feet from the stream requiring a waiver of 70 feet of the Resource Protection Area buffer. The property is located at 112 Yorkshire Drive, Williamsburg Tax Map Number 552-(10)-00-008 and is zoned Single Family Dwelling District RS-1. Deferred at applicant's request.

After reading the Tarley's request, Chairman Knudson noted that they have requested deferral. Ms. White moved that the request for a special exception be deferred. Mr. Lamson seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Knudson, Kafes, Carr, Lamson, White
No: None
Absent: None

BZA #05-021 Request of Patricia Allred for a special exception from Section 21-605 of the Zoning Ordinance to allow the rental of two bedrooms in the single-family detached dwelling to roomers. The property is located at 2 Cole Lane, Williamsburg Tax Map Number 552-(05)-00-007 and is zoned Single Family Dwelling District RS-1. Approved.

Chairman Knudson introduced Mrs. Allred's request for a special exception and noted the Board has received a petition signed by seventeen homeowners in the neighborhood asking for denial of the request. Mrs. Knudson asked for the applicant's comments. Mrs. Allred stated that she is a widow and currently has one roomer. She was recently approached by a graduate student who expressed she would also like to rent a room.

Mr. Kafes reviewed the pertinent portions of Section 21-605 of the Zoning Ordinance in which regulations for rental of bedrooms to roomers or visitors in a single-family dwelling were defined. He noted that rental of one bedroom to one roomer shall be allowed by right as long as certain conditions are satisfied. For more than one rental of bedrooms to more than one roomer, a special exception shall be required in accordance with Section 21-97(f) and subject to satisfaction of certain conditions. Mr. Kafes read the conditions and stated that the applicant has satisfactorily met all of them.

Cathy Howard, 12 Cole Lane, urged the Board deny the request because she doesn't want to see the neighborhood become a boarding house. In addition, there are six young children who live and play in the neighborhood and ride bikes in the street. She expressed concern regarding the potential increase in traffic and safety issues resulting from that increase as well as the precedent that would be set if this request is approved. One roomer might not make a significant difference in the neighborhood, but if everyone had one roomer with accompanying cars, it would definitely have an impact.

Marjorie Force, 8 Cole Lane, stated that if this request is approved, the additional traffic would change the whole neighborhood appearance, and she asked that the Board deny the request.

There being no additional comment the public hearing was closed.

Mr. Kafes reiterated that because all conditions for approval have been met, there is no basis upon which to deny the request. He said that it is not in the purview of this Board to consider whether or not roomers are a good idea for a neighborhood.

Mrs. White noted that requests can be considered on a case-by-case basis and that some neighborhoods may be better suited for housing roomers than other neighborhoods. Possibly, the approval could have some conditions attached, e.g. under Mrs. Allred's ownership only and only for the existing roomers.

Mr. Carr said he could support approval of the request if it were to run with the current title and applicant.

Mr. Lamson agreed with Mr. Carr.

Mrs. Knudson expressed that she does not feel property values would be impaired, but all on Cole Lane signed the petition asking the Board deny the request. She stated that although the request does fulfill all the requirements, she is not pleased with the current policy.

Mr. Kafes noted that the "precedent" is already set by the policy itself and pointed out that rental to three unrelated individuals is permitted. At least with this proposal, owner-occupancy is required. He added that he doesn't see how property values would be decreased by the approval of this request.

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Mr. Lamson agreed that the precedent is already established and noted that if Mrs. Allred were married, her husband's car would make the total number of cars at the site three, the same if Mrs. Allred has two roomers with cars.

Mrs. White moved that the special exception to allow the rental of a second bedroom in the dwelling be approved subject to extinguishment upon transfer of ownership. Mr. Lamson seconded the motion.

Mrs. Knudson noted the lack of screening at the end of the driveway. Mr. Carr suggested an amendment to the motion, but Mrs. White and Mr. Kafes felt the screening was not an issue. Mr. Lamson agreed that an amendment was not necessary.

The original motion carried by roll call vote of 4-1.

Recorded vote on the motion:

Aye: Kafes, Carr, Lamson, White
No: Knudson
Absent: None

Resolution of approval is attached to these minutes.

BZA #05-022 Request of Marinos Sarantakos for a special exception from Section 21-896 of the Zoning Ordinance to construct an addition to the single-family dwelling 5.1 feet from the side property line instead of 10 feet as currently required by the Zoning Ordinance. The dwelling is currently located 3.8 feet from the property line at its closest point. The property is located at 520 Newport Avenue, Williamsburg Tax Map Number 495-(14)-00-014,15 and is zoned Single-Family Dwelling District RS-2. Approved.

Chairman Knudson introduced the request for a special exception.

Board member Carr announced that as an employee of SunTrust Bank, he has a business relationship with the Sarantakos family, however not with the applicant himself.

Chairman Knudson asked for the applicant's comments.

Present were Vernon Geddy, representing the applicant and Tony Saras, brother of the applicant as well as adjacent property owner. Mr. Geddy acknowledged the special exception factors Mr. Kafes had previously reviewed and noted the property had been in deplorable condition. The applicant should be commended for the work already done. He added that the applicant is committed to improving the property and his request for a special exception satisfies the requirements of Section 21-97(f)(2) of the Zoning Ordinance. Mr. Geddy stated that Stuart Spirn, who owns the property to the rear of this property, is present today and has no objection to approval of the request.

Mr. Carr confirmed that the improvement would not extend further than the existing structure.

Chairman Knudson opened the public hearing.

There being no comment the public hearing was closed.

Mr. Carr moved that the special exception to construct an addition to the existing single family dwelling 5.1 feet from the side property line instead of ten feet as currently required, be approved.

Mrs. White seconded the motion which carried by roll call vote of 5-0.

Recorded vote on the motion:

Aye: Kafes, Carr, Lamson, White, Knudson
No: None
Absent: None

Resolution of approval is attached to these minutes.

BZA #05-023 Request of Barbara Ramsey for three variances of the Zoning Ordinance to construct a new single-family dwelling and detached garage on the property. A variance from Section 21-167 of the Zoning Ordinance to decrease the side yard setback from 17.5 feet to 16 feet for a portion of the dwelling from Idlewood Lane and the second floor master bedroom wing over a screen porch 12.5 feet from Idlewood Lane instead of 17.5 feet. The third request is for the detached garage to be located 16 feet from Idlewood Lane instead of 35 feet. The property is located at 408 Griffin Avenue, Williamsburg Tax Map Number 495-(12)-00-A and is zoned Single Family Dwelling District RS-2. Continued.

Chairman Knudson introduced the request for the variances and asked the applicant to present comments.

Thomas Tingle, with Guernsey Tingle Architect, representing the applicant Barbara Ramsey, reviewed the history of the lot and noted that although Ms. Ramsey bought the property in 1977, she is only now considering construction. Mr. Tingle said this is a unique situation with an unusual, narrow lot surrounded by three streets. The proposed 16' setback for the main house would not be conspicuous since there are lots with varying setbacks along Idlewood Lane. The area was previously a Planned Unit Development with varying setbacks for each lot. Since the current structure has little architectural value, the applicant has decided to replace it and has found the buildable space is only 2,200 square feet. There is no available street parking, but a two-car detached garage is in the conceptual plans as well as the possibility of having a studio above the garage.

Mr. Carr said the applicant could have parking in the area without an actual structure to accommodate the vehicles.

Mrs. White asked if there are plans for additional landscaping and Mr. Tingle responded that the applicant would be open to the suggestion for more landscaping.

Mr. Carr stated that he is struggling with this proposal as one of the first “tear downs”, along with the three variances. The magnitude of the proposal is troubling to him; he’s been on the Board for three terms and sees the hardship related to this case as “self-imposed.” He asked why the applicant cannot stay within the existing buildable area. Regarding the studio above the garage, Mr. Carr reminded the Board of Mr. Chohany’s proffer not to have a rental in his detached garage. Although the property value would increase with the proposed construction, the character of the neighborhood would be changed because the structure would be so much larger than others.

Mr. Tingle stated that he understands the City does not allow the rental of space as being considered and once the house is down it’s off the table. The applicant would like to use the attic space and would like to consider putting in a bathroom. Mr. Tingle summarized the variances: (1) On the 50 foot lot, to change the side setback from 17½ feet to 16 feet for the main house, (2) on the opposite side setback decrease from 17½ feet to 12½ feet for the screen porch outcropping and (3) on the rear setback decrease from 35 feet to 16 feet for the detached garage. He noted that he and the applicant are very sensitive to the possibility of overbuilding for the lot, and the wrapping of the porch is intended to reduce the scaling.

Mr. Carr suggested that three cars could be parked under the house. This would create greater mass, but better use of the property and a better relationship. Mrs. Knudson noted that the proposal would be three-stories on the Idlewood side. Mr. Carr added that with plans for three cars underneath the main house, there would be no need for the third variance request.

Mrs. White said massing would be more objectionable esthetically. She said they are beautiful plans for a unique lot and it would be an improvement to the neighborhood. She added that she could support the first two variances, but has a problem with the third.

To Mr. Carr’s suggestion that there could be a parking area without an actual structure, the applicant responded that she wants to have her car protected in a garage. Mr. Tingle added that he could work further with the pitch of the roof and dormers.

Mrs. White asked if they are willing to proffer landscaping. Mr. Tingle said they would if the Zoning Administrator could be the person to review the plans. He added they would be happy to work with the City of Williamsburg and their guidelines and with Carolyn Murphy in particular. Mrs. White suggested the applicant return with drawings for the garage.

Bill Barner, real estate broker, 511 Capitol Landing Road, assisted the buyer with the purchase of 410 Griffin and noted she is concerned with the garage which blocks her view, changes the character of the neighborhood that has no garages, and affects property values.

Helen Panos, 410 Griffin Avenue, said she doesn't want someone else in her back yard; there will be no privacy between houses and she'll be surrounded by structures. She loves the neighborhood, use of her yard and privacy when she's in her yard. Mrs. Panos reiterated Mr. Barner's comments regarding how the changes will affect her and property values.

Mrs. Knudson noted that the house could be even larger if the proposal for the garage is denied, and Mrs. Panos said that would be okay with her.

There being no additional comment the public hearing was closed.

Mrs. White stated that she was leaning toward supporting the first two variance requests, but she was having difficulty with the third request relating to the variance for the garage. She suggested that the case be continued to give the applicant an opportunity to address the concerns of the Board and the next door neighbor, Mrs. Panos.

Mr. Kafes felt information is adequate for all three requests and he'd like to vote now.

Mr. Carr stated any new building construction should be within the setbacks, but given the unique character of the lot, he could support the first two variances, but the third is more of a concern. It's a relatively large structure; he wonders why the need for the room over the top, and is not convinced of the need for the large decrease in setback.

Mr. Kafes said the house doesn't fit the building envelope and a hardship hasn't been shown. There is no question that a reasonable house could be built here. He would have to oppose the first and second requests and the third crowds the neighborhood and impairs an adequate supply of light and air to adjacent property.

Mrs. Knudson said she could support the first two requests, but the reduction from the 35' setback is not appropriate.

Mrs. White asked that Mr. Tingle consider altering the plans to address concerns about the size and massing of the garage. To force an owner to work with a worn-out house and built in the 1940's envelope, could verge on being confiscatory in nature. She added that the Board will probably continue to see this type of request with redevelopment continuing in the City.

Mr. Carr stated that history shows the Board has reviewed many cases and one or two cars under a dwelling is okay, but he has concerns with a freestanding detached garage.

Mrs. White moved to approve the first two variance requests subject to landscaping drawings being approved, and the third variance request continued until the applicant can address the issue of the garage massing and screening.

Mr. Lamson seconded the motion.

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Mr. Carr suggested the Board continue all three variance requests because they impact one another.

Mrs. White withdrew her motion and Mr. Lamson agreed to withdraw his second of her motion.

Mrs. White moved that the Board continue all three variance requests for the purpose of allowing the applicant to address the Board's concerns. Mr. Lamson seconded the motion which carried by roll call vote of 4-1.

Recorded vote on the motion:

Aye: Carr, Lamson, White, Knudson
No: Kafes
Absent: None

Mr. Kafes stated the architectural elements of proposals are in the purview of the Architectural Review Board and the Board of Zoning Appeals needs to stick with issues in their purview. He also asked that the Board's Bylaws be on the City's web site.

OLD BUSINESS – None

NEW BUSINESS – None

MINUTES

After Mrs. White made a minor correction to the minutes of the November 1, 2005 meeting, they were approved unanimously.

OTHER

Annual Report

The Board received without comment the Annual Report for 2005.

Farewell to Board member, Mr. Kafes

Chairman Knudson stated this is Mr. Kafes' last meeting and thanked him for his years of committed service to the Board. His thorough review of the Zoning Ordinance was always a great help to the Board in making their decisions.

Mr. Kafes said it's been a pleasure to assist with the important work of this Board and a good use of his time. He added that the members of this Board are a fine group with whom to work.

Mrs. White moved on behalf of the Board of Zoning Appeals, that Mr. William O. Kafes is recognized and appreciated for his years of public service to the Board and the community. Mr. Carr said he has thoroughly enjoyed working with Mr. Kafes and that

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his astute attention to the cases before the Board was admirable. Mr. Carr then seconded the motion which carried by unanimous roll call vote.

Mr. Kafes thanked the Board and noted that he is concerned regarding the Board's review of architectural aspects of a request rather than identifying a hardship. He noted there will probably be more of these cases with the potential of redevelopment in the City.

Mrs. Knudson added that Mr. Kafes will be missed and agreed a work session is needed to discuss variances.

Mrs. White agreed about the issue of hardship and expressed a need for the Planning Commission or City Council to revisit the ordinance regarding these older properties. Zoning Administrator Murphy stated that the Planning Commission is looking at the ordinance as part of the Comprehensive Plan review.

There being no further business the meeting adjourned at 5:30 p.m.

Respectfully submitted,

Judith Knudson, Chairman
Board of Zoning Appeals